



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

(Sr. No. 101)

CRWP No. 2329 of 2026

Date of decision: 05.03.2026

Sukhdarshan Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

HON'BLE MS. JUSTICE LAPITA BANERJI

Present : Mr. Rajpreet Singh Brar, Advocate for the petitioner.

Mr. Kuljit Singh, Addl. A. G., Punjab.

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DEEPAK SIBAL, J. (Oral)

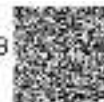
(1) Through this petition filed under Article 226 of the Constitution of India the petitioner seeks extension in the grant of regular parole already granted to him for 08 weeks on the ground that he had sought and got parole for construction of his house which is still incomplete.

(2) Learned counsel for the parties have been heard and with their able assistance the record of the case has also been perused.

(3) Section 3 of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 (for short – the Act) governs the grant of parole to prisoners in the State of Punjab, which provision reads as follows :-

“3. Temporary release of prisoners on certain grounds.- (1) The State Government may, in consultation with the District Magistrate and subject to such conditions and in such manner as may be prescribed, release temporarily for a period specified in sub-section (2) any prisoner if the State Government is satisfied that-

(a) a member of the prisoner's family has died; or



- (aa) husband or wife or son or daughter or father or mother or brother or sister or grand-father or grand-mother or grand-son or grand-daughter or father-in-law or mother-in-law of the prisoner is seriously ill; or
- (b) the marriage of the prisoner's son or daughter is to be celebrated; or
- (c) the temporary release of the prisoner is necessary for ploughing, sowing or harvesting or carrying on any other agricultural operation on his land or any other land cultivated by him and no friend of the prisoner or a member of the prisoner's family is prepared to help him in this behalf in his absence; or
- (cc) a lady prisoner is pregnant and is likely to deliver a child; or
- (d) it is desirable so to do for any other sufficient cause.

"Explanation.- The expression "sufficient cause" includes-

- (1) serious damage to life or property of the member of the family caused by any natural calamity; or
 - (2) critical condition of any member of the family on account of accident; or
 - (3) delivery of child by the wife of the prisoner.
- (2) The period for which a prisoner may be released shall be determined by the State Government so as not to exceed-
- (a) where the prisoner is to be released on the ground specified in clause (a) of sub-section (1), fifteen days;
 - (b) where the prisoner is to be released on the ground specified in clause (aa) or clause (b) or clause (c) or clause (d) of sub-section (1), eight weeks; and
 - (c) where the prisoner is to be released on the ground specified in clause (cc) of sub-section (1), one hundred and twenty days (sixty days prior to the date of delivery of child and sixty days after the date of delivery of child).
- (2-A) The total period of temporary release of the prisoner, excluding the release availed of,-
- (i) on the death of a family member of the prisoner; or
 - (ii) by a female prisoner on account of delivery of child, as the case may be
- shall not exceed sixteen weeks, during a calendar year and shall be availed of on quarterly basis:

Provided that a prisoner, may avail such release for a continuous period of sixteen weeks, during the period falling between the 23rd day of November, 2018 to the 23rd day of November, 2019, as a onetime measure on pro-rata basis, however, subject to the other provisions of the Act:

Provided further that any prisoner, who is on temporary release for a specified period and wants to surrender before the expiry of his temporary release period, he shall be allowed to do so:

Provided further that during disasters under the Disaster Management Act, 2005, or epidemics under the Epidemic Diseases Act, 1897, the State Government may, by a special notification published in the Official Gazette,



allow temporary release beyond the maximum period of sixteen weeks during a calendar year, and may also waive the condition of temporary release being availed of on quarterly basis.

(3) The period of release under this section shall not count towards the total period of the sentence of a prisoner.

(4) The State Government may by notification authorise any officer to exercise its power under this section in respect of all or any of the grounds specified therein.”

(4) As per Section 3(1) of the Act, the State Government may, in consultation with the District Magistrate and subject to such conditions and in such manner as may be prescribed, temporarily release any prisoner if the State Government is satisfied that a member of the prisoner's family has died or husband or wife or son or daughter or father or mother or brother or sister or grand-father or grand-mother or grand-son or grand-daughter or father-in-law or mother-in-law of the prisoner is seriously ill or to attend the marriage of the prisoner's son or daughter or if the prisoner seeks his/her release for ploughing, sowing or harvesting or carrying on any other agricultural operation on his land or any other land cultivated by him and no other person is prepared to do the needful or if the prisoner is a lady who is pregnant and likely to deliver a child or for any other sufficient cause.

(5) “Sufficient cause” has been explained in the Act to include serious damage to life or property of any member of the prisoner’s family caused by any natural calamity or if a member of the prisoner’s family is in critical condition on account of an accident or if the wife of the prisoner is to deliver their child.

(6) Under Section 3 (2) of the Act the maximum periods for which a prisoner can be temporarily released is spelt out.



Under Section 3 (2)(a) a prisoner can be temporarily released for fifteen days on account of death of any of his family members. As per Section 3(2) (b) of the Act a prisoner can be temporarily released for a maximum period of eight weeks in case he seeks his/her temporary release on the ground that his/her family members so mentioned in clause (aa) are seriously ill or for the marriage of the prisoner's son or daughter or for agricultural purpose or any other sufficient cause and as per Section 3(2)(c) a pregnant lady prisoner can be temporarily released for a maximum period of one hundred and twenty days for delivery of her child which release would include sixty days prior to the date of delivery of child and sixty days after the date of delivery. Section 3 (2-A) further provides that on the death of a family member of the prisoner or when a female prisoner is granted temporary release on account of delivery of her child, such temporary release cannot exceed sixteen weeks during a calendar year and can be availed of on quarterly basis. There are three provisos to Section 3 (2-A) of the Act pertaining to temporary release of a prisoner for sixteen weeks as a onetime measure during the period falling between the 23.11.2018 to 23.11.2019 and that in case of disasters or spread of epidemics, temporary release can also be granted beyond the maximum period of sixteen weeks.

(7) The petitioner, who has been sentenced to undergo imprisonment for life for having been convicted under Sections 376D and 506 IPC, on 08.01.2026, was granted parole for eight weeks for the construction of his house, which reason would fall under “sufficient cause” under Section 3(d) of the Act. That being so, under Section 3 (2)(b) of the Act such release cannot exceed eight weeks and in this regard the legislative



intent is also clear by the usage of the words “not to exceed” in Section 3(2) of the Act. Thus, in the facts of the present case, the petitioner has already been granted parole for the prescribed maximum period and therefore, no extension therein is legally permissible.

(8) In the light of the above discussion, we find no merit in the instant petition and the same is hereby dismissed.

(DEEPAK SIBAL)
JUDGE

05.03.2026
sunil yadav

(LAPITA BANERJI)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No